



PLANNING COMMISSION STAFF REPORT

DATE: June 14, 2017

NEW BUSINESS

SUBJECT: REQUEST BY THE CITY OF PALM SPRINGS TO AMEND PALM SPRINGS ZONING CODE (PSZC) SECTION 93.02.00 RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SECURITY FENCING. (CASE 5.1421 ZTA).

FROM: Department of Planning Services

SUMMARY:

This is a request for consideration of a proposed Zoning Code amendment to allow a five-foot high perimeter wall on the property line in the front yard area when the wall serves as a swimming pool barrier. The Zoning Code currently allows a 4.5' high wall in the front yard area; the amendment is intended to align with the 2016 California Residential Building Code which requires a five-foot high barrier.

RECOMMENDATION:

Recommend approval to the City Council.

ANALYSIS:

The Zoning Code currently allows a 4.5-foot high wall on the property line in front yard setback areas. Walls over 4.5 feet in height require additional setbacks; a five-foot high wall must be located a minimum of five feet behind the front property line, and a six-foot high wall must be located a minimum of 15 feet from the front property line. The California Building Code previously required a 4.5' high barrier (fence) around swimming pools. However, this requirement was recently changed with the adoption of the 2016 Code, and a five-foot barrier is now required. Because many residential pools are located in front yard areas, this modified height requirement creates difficulties in issuing permits for swimming pool barrier fences and walls.

To correct this issue, it is proposed that Palm Springs Zoning Code (PSZC) Section 93.02.00 be amended to include an exception to the wall height requirements for swimming pool security fencing. Wall height at the property line in the front yard

setback area could be increased from 4.5 feet to five feet where necessary as a security barrier for swimming pools, and would be approved administratively by staff as part of the permit review process. This proposed exception would only be applicable where required for swimming pools; in all other situations, perimeter walls would need to conform to the standard height limits.

The proposed amendment is as follows:

Section 93.02.00 – Walls, fences and landscaping.

B. Security Fencing.

Security fencing, including swimming pool security fencing, as required by any governmental agency of jurisdiction shall be permitted, notwithstanding any other provision of the Zoning Code.

ENVIRONMENTAL ANALYSIS:

The proposed Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) pursuant to Section 15060(c)(2) of the State Guidelines, because the Ordinance is directly related to ministerial actions, will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is not a “project” as that term is defined in Section 15378 of the State Guidelines.



Flinn Fagg, AICP
Director of Planning Services

ATTACHMENTS:

1. Draft Resolution
2. Swimming Pool Safety Standards – Department of Building & Safety

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO PALM SPRINGS ZONING CODE (PSZC) SECTION 93.02.00(B) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SECURITY FENCING.

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. Pursuant to Section 94.07.01 of the Palm Springs Zoning Code (PSZC), the Director of Planning Services is authorized to initiate proceedings and recommend amendments to the Zoning Code.

B. The 2016 California Building Code establishes requirements for swimming pool security fencing that is conflict with PSZC Section 93.02.00, necessitating a change to the City's zoning requirements.

C. Notice of a public hearing of the Planning Commission of the City of Palm Springs to consider Case 5.1421 ZTA ("Zone Text Amendment") was given in accordance with applicable law.

D. On June 14, 2017, a public hearing on the proposed Zone Text Amendment was held by the Planning Commission in accordance with applicable law.

E. The proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*) pursuant to Section 15060(c)(2) of the State Guidelines, because the Ordinance is directly related to ministerial actions, will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

F. The Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the Zone Text Amendment, including, but not limited to, the staff report, and all written and oral testimony presented.

G. The Planning Commission hereby finds that approval of the proposed Zone Text Amendment would:

1. Align the City's zoning requirements with the 2016 California Building Code;
2. Provide a ministerial process for property owners to comply with the updated Building Code requirements; and

3. Maintain the City's aesthetic standards for perimeter walls.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS RESOLVES:

That the findings and determinations reflected above are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolution.

SECTION 1. The Planning Commission recommends to City Council that Section 93.02.00(B) of the Palm Springs Zoning Code (PSZC) is hereby amended and restated to read as follows (new text in underline font):

B. Security Fencing.

Security fencing, including swimming pool security fencing, as required by any governmental agency of jurisdiction shall be permitted, notwithstanding any other provision of the Zoning Code.

ADOPTED THIS 14TH DAY OF JUNE, 2017.

ATTEST:

Flinn Fagg, AICP
Director of Planning Services



City of Palm Springs

Department of Building & Code Enforcement
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April 27, 2017

Dear Pool Contractor,

With the adoption of the 2016 California Building Codes there have been some minor changes with regard to private swimming pools. Please take note.

SWIMMING POOL SAFETY STANDARDS

Section AV100.3 of the 2016 California Residential Building Code addresses the pool safety standards for pools, spas and hot tubs installed for single family residences.

For the purpose of this code, the following definitions are applicable:

Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 18 inches deep.

Enclosure: A fence, wall, or other barrier that isolates a swimming pool from access to the home.

Enclosure Requirements:

An outdoor swimming pool, including hot tubs or spas shall be surrounded by a barrier which shall comply with the following:

1. Top of the barrier shall be at least **60** inches above grade measured on the side of the barrier which faces away from the swimming pool.
 - a. Openings in the barrier shall not allow the passage of a 4 inch diameter sphere.
 - b. Openings between the finish grade and the bottom of the barrier shall be a maximum of 2 inches.
 - c. Barriers shall be installed so as not have any features which aid in climbing.
2. Access gates shall be a minimum of 60 inches above grade and shall be self-closing and have a self-latching device. Gates must open outward from the pool. Gates shall meet the same provisions as listed for barriers.
3. Outside surfaces shall be free of anything that can make the barrier climbable.
4. If using the wall of the house as an enclosure, exit alarms must be placed on all doors that provide direct access to the pool.